

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

DANIEL LOVELACE and
HELEN LOVELACE, Individually, and as Parents of
BRETT LOVELACE, deceased,

Plaintiffs,

Vs.

No. 2:13-cv-02289-JPM-dkv
JURY TRIAL DEMANDED

PEDIATRIC ANESTHESIOLOGISTS, P.A.;
BABU RAO PAIDIPALLI; and
MARK P. CLEMONS,

Defendants,

and

STATE OF TENNESSEE,

Defendant-Intervenor.

**DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO
EXCEED PAGE LIMITATION IN REPLY BRIEF**

COME NOW the defendants, Pediatric Anesthesiologists, P.A., and Babu Rao Paidipalli, by and through their undersigned counsel, pursuant to Local Rule 7.2(e), and submits this Memorandum of Law in Support of their Motion for Leave to Exceed Page Limitation In Reply Brief, in order to fully address the new issues raised in Plaintiff's Response and Memorandum of Law in opposition to Defendants' Motion For Qualified Protective Order, and state as follows:

District courts may waive or modify local rules of court, including local rules setting forth a page limitation. *See Lopez v. U.S.*, No. 1:04CV391, 2006 WL 2404048

(N.D. Ohio, Aug. 18, 2006). This case is a healthcare liability action. Plaintiffs have raised complex new issues in their Response to Defendants' Motion For Qualified Protective Order including: (1) whether or not the Tennessee statute in question, T.C.A. 29-26-121(f), is preempted by federal law; and (2) whether federal law requires imposition of additional restrictions in a qualified protective order which are not required or authorized by T.C.A. 29-26-121(f). Defendants seek relief from the five (5) page limitation for Reply memoranda under Local Rule 7.2(e), in order to fully brief these issues.

WHEREFORE, PREMISE CONSIDERED, Defendants respectfully request that the Court enter an order granting Defendants leave to exceed the page limitation set forth in the Local Rules with regard to Defendants' Reply Brief.

Respectfully submitted,

THE HARDISON LAW FIRM, P.C.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served via the Court's electronic filing system upon:

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this 29th day of January 2014.

s/Albert G. McLean
ALBERT G. MCLEAN